

**IN THE UNITED STATES DISTRICT COURT
OF THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

DAVID FOLKENFLIK; NATIONAL PUBLIC RADIO, INC.; EDITH CHAPIN; LESLIE COOK; AND PALLAVI GOGOI	§ § § § § § §	Civil Action No. 4:20-mc-00038 Judge Mazzant/Magistrate Judge Craven
V.	§	
KIM SAMS	§	<i>Ancillary to No. 4:18-cv-442-ALM-CMC</i>

ORDER

The above-referenced miscellaneous cause of action was referred to the undersigned United States Magistrate Judge for pre-trial purposes in accordance with 28 U.S.C. § 636. The following motion is before the Court:

**Movants’ Motion to Compel Kim Sams to Comply With FED. R. CIV. P. 45
Subpoena (Docket Entry # 12).**

Following the March 17, 2020 Order Transferring Case from the Northern District of Texas, Movants David Folkenflik, National Public Radio, Inc., Edith Chapin, Leslie Cook, and Pallavi Gogoi (collectively, “NPR”) filed the above motion in this Court on March 27, 2020. Pursuant to Local Rule CV-7, a party opposing a motion has fourteen days (twenty-one days for summary judgment motions) from the date the motion was served in which to file a response and any supporting documents, after which the court will consider the submitted motion for decision. Local Rule CV-7(e). As of this date, Kim Sams has not filed a response to the motion.¹

¹ Local Rule CV-7(d) provides a “party’s failure to oppose a motion in the manner prescribed herein creates a presumption that the party does not controvert the facts set out by movant and has no evidence to offer in opposition to the motion.”

Accordingly, it is

ORDERED that on or before **Tuesday, May 5, 2020 at 8:30 a.m.**, Kim Sams shall file a response to Movants' Motion to Compel Kim Sams to Comply With FED. R. CIV. P. 45 Subpoena (Docket Entry # 12). Any reply to the response shall be filed on or before May 8, 2020 at noon and any surreply shall be filed on or before May 11, 2020 at 8:30 a.m. It is further

ORDERED that failure to file a response within the time prescribed may result in an Order granting the motion.

IT IS SO ORDERED.

SIGNED this 29th day of April, 2020.


CAROLINE M. CRAVEN
UNITED STATES MAGISTRATE JUDGE